

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

v.

**CIVIL ACTION NO.: 5:21-cv-00181
HONORABLE FRANK W. VOLK**

**LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision,
JEFF MCPEAKE, individually,
BRIAN WHITE, individually,
BOBBY STUMP, individually,
KYLE LUSK, individually,**

Defendants.

**DEFENDANTS COUNTY COMMISSION OF RALEIGH COUNTY, JEFF MCPEAKE,
BRIAN WHITE, AND BOBBY STUMP'S MOTION FOR SUMMARY JUDGMENT**

NOW COME the Defendants, County Commission of Raleigh County, Jeff McPeake, Brian White, and Bobby Stump, by and through counsel, J. Victor Flanagan, Kevin J. Robinson and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and move this Court to enter an Order granting the Defendants' Motion for Summary Judgment against the Plaintiff.

As shown by the facts developed during discovery and the legal authority cited herein, there are no genuine issues of material fact as to the Plaintiff's claim against the Defendants. The Defendants have filed, contemporaneously herewith, a Memorandum of Law in Support of the Defendants' Motion for Summary Judgment.

Exhibit A Plaintiff's Complaint

Exhibit B Defendant Jeff McPeake p. 25 lines 1-4

Exhibit C Deposition of Deputy McPeake p. 59 lines 14-19
Exhibit D Deposition of Defendant Jeff McPeake, p. 32 lines 1-17
Exhibit E Deposition of Bobby Stump p. 32 lines 23-24 and p. 33 lines 1-18
Exhibit F Deposition of Brian White p. 6 lines 17-24 and p. 7; lines 1-8
Exhibit G Deposition of Deputy Bobby Stump p. 46 lines 23-24 and P. 47 lines 1-5
Exhibit H Opinion of the Supreme Court of Appeals of West Virginia at p. 1

PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing, these Defendants request that this Honorable Court grant their Motion for Summary Judgment and grant Defendants any other and further relief which the Court deems appropriate.

**COUNTY COMMISSION OF RALEIGH
COUNTY, JEFF McPEAKE, BRIAN
WHITE, and BOBBY STUMP,**

By Counsel,

/s/ Kevin J. Robinson

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CERTIFICATE OF SERVICE

The undersigned, counsel of record for Defendants, does hereby certify on this 28th day of March, 2022, that a true copy of the foregoing "**DEFENDANTS COUNTY COMMISSION OF RALEIGH COUNTY, JEFF MCPEAKE, BRIAN WHITE, AND BOBBY STUMP'S MOTION FOR SUMMARY JUDGMENT**" was served upon opposing counsel through the Court's CM/ECF filing system as follows:

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